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Ford Finally Decides to Get a Science Adviser

The announcement on May 22 that the President intends to acquire a fulltime adviser on science and technology is the sweetest bit of news in years for the old advisory alumni, who have been clamoring for a return to the White House since Richard Nixon cast them out in January, 1973.

However, the depth of Mr. Ford's yearning for science advice—and, hence, the role that the adviser will play—must be assessed against certain facts, all of which add up to the likelihood that science is being bought off rather than brought in.

First of all, the idea that Mr. Ford needs a science adviser did not originate with Mr. Ford or any of his close associates; rather, it was annoyingly drummed into them by the enduring clamor of an exiled scientific leadership that prevailed upon the President's old Congressional colleagues to get him to pay attention. Had outsiders left the matter alone, it appears reasonably certain that it would never have occurred to the White House that it suffered a lack of science advice. After all, the President *does* have a science adviser in the person of NSF Director H. Guyford Stever, to whose office Nixon assigned some of the debris of the old Office of Science and Technology. The time logged face-to-face between President Ford and Adviser Stever is perhaps not the most relevant measure of Ford's interest in science advice, but it turns out that their meetings are very infrequent—which says something.

Also of significance is the fact that if Mr. Ford felt he sorely required on-board science advice at the White House, he could have issued an Executive Order to undo the Nixon Executive Order that demolished OST. Simple as that.

Instead, the President has decided to go the laborious route of getting a law passed to establish a White House science office—and the post of science adviser—on a statutory basis. The explanation for this is that if based on a law, the office and the post cannot be abolished by Presidential whim, which is generally said to account for Nixon's action. But whether by statute or Executive Order, the advisory apparatus is only as important as the President chooses to make it. And no Act of Congress can compel him to pay heed to an adviser whom he prefers to ignore.

Finally, there is the question of timing. If the Congress moves swiftly, it is just possible that action on the legislation will be completed before summer recess, which is from August 1 to Sept. 3. It is also just possible that while Congress is deliberating, the White House will have selected an appointee and will set in motion the long clearance process that precedes major federal appointments. All this, however, is possible, but not likely, since the Ford Administration's record for processing appointments is a fairly slow one. Having been embarrassed by appointments that later had to be withdrawn because of revelations of unseemly pasts, the White House tends to extraordinary caution, even when

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In Brief

Troubles continue to mount for the gestating Uniformed Services University of the Health Sciences, the grandly titled military medical school that was bulldozed through Congress by Rep. F. Edward Hebert (D-La.) before he was deposed as chairman of the House Armed Services Committee (SGR Vol. 5, No. 8). The Defense Manpower Commission has recommended that the scheme be abandoned on the grounds that it is an extravagantly expensive means of producing a handful of physicians for the armed forces.

The Office of Management and Budget has a new chief for natural resources, energy, and science. He's James L. Mitchell, a Chicago lawyer who served as Under Secretary of Housing and Urban Development. His close friend and former HUD boss, James T. Lynn, is now director of OMB.

The Federal Advisory Committee Act has opened up a lot of meetings to public scrutiny, but closed-door sessions still persist in large numbers. According to the General Services Administration, which is the scorekeeper, 20 per cent of advisory committee meetings last year were wholly closed to the public, while another 25 per cent were partially closed.

Court Upholds Confidentiality of NIH Peer-Review Reports

The Supreme Court last month decided not to take on a case involving the confidentiality of reports of peer-review committees which judge the scientific merit of grant proposals submitted to NIH. Such reports will therefore remain secret, because the Supreme Court's refusal to rule on the matter leaves standing an Appeals Court decision that peer-review judgments are exempt from disclosure under the Freedom of Information Act.

The Appeals Court decision, which was handed down last September (SGR Vol. IV, No. 17), involved a suit brought by a public interest group, the Washington Research Project Inc., which sought access to eleven specific grant applications and the reports of the peer-review committees which examined them. The Appeals Court ruled that details contained in the grant applications should be made

public, but that the peer-review reports should remain secret.

Though NIH had fiercely resisted the notion that grant proposals should be made public, it decided not to appeal the ruling. But the Washington Research Project decided to take the matter to the Supreme Court in an effort to force disclosure of the peer-review documents. The group claims that taxpayers have a right to know not only which projects are being supported but also the reasons why they have been funded.

The Supreme Court's non-action in the matter is likely to strengthen the hand of the National Science Foundation in its battle with Members of Congress who are seeking access to peer-review reports on various science education projects that NSF has funded.

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longtime federal employees are involved. Thus, even after a dozen years of federal service, Theodore Cooper, though serving as acting Assistant Secretary of Health for HEW, had to wait for four months until his full-fledged appointment to the job was finally cleared.

All of which means that nothing is likely to happen quickly in terms of putting a science adviser in the White House; which, in turn, means that the budget cycle for the coming fiscal year will be pretty well along by the time he gets there. Come Fall, and the White House will be battening down for election season, which is not a prime period for the delicacies of science and government.

So, the full effects of whatever kind of science office emerges from the Ford decision are not likely to be felt until the next Administration takes office. If it is a Ford Administration, which appears to be somewhat against the odds at this point, then the office will have an opportunity to develop smoothly from its Ford-sponsored birth. But if there is a new occupant of the White House, then it is virtually certain that a new adviser will be appointed and the office will go through a new period of infancy. These doubtful circumstances will not make it easy to recruit an adviser for President Ford, which throws a bit more weight in the direction of the possibility that Stever might be asked to shed his NSF responsibilities and move over to the White House as fulltime adviser.

Stever has publicly and privately maintained that the advisory function is doing nicely under his dual-hatted role, but following the White House announcement, he issued a statement that puts him on record as approving

the change. "I am extremely pleased that the President has taken this significant step to increase the strength of science and technology advice to the Federal Government," he said. "I am sure it will contribute to the search for solutions to national and international problems where science and technology play such important roles."

With both the Senate and the House planning hearings for later this month on the legislation that the President will propose, we'll soon have an idea of how much authority Ford plans for his science adviser. Under the Nixon reorganization, jurisdiction over military research and development was removed from the role that Stever's office inherited. This was entirely to the liking of the Defense Department, which had long had its fill of arms controllers, based in the science office, picking holes in its schemes for new weapons. The White House announcement of Ford's plans made no reference to jurisdiction, nor did it say what the relationship would be between the new science office and the Office of Management and Budget, the National Security Council, and the Domestic Council. Some indication that the Domestic Council may be more involved than any of the others may be seen in the fact that announcement of the plan was made by James Cannon, director of the Council. However, the only details he provided were that the President had decided to have a single adviser, rather than a multi-membered Council suggested by various studies as well as by legislation introduced in both houses of Congress (SGR Vol. V, No. 6). Also, that the office would have a staff of 10 to 15, and a budget of \$1 million to \$1.5 million a year. This is about one-half the scale of the old OST.

Government Study Gloomy on Nuclear Power Prospects

A task force of high-level officials of the Energy Research and Development Administration has surveyed the troubles plaguing the nuclear industry and has concluded that it "is not optimistic" that remedial action "can be implemented quickly and completely enough to avoid significant restriction on the growth of fission energy use."

To the extent that the task force represents official ERDA thinking, it seems that nuclear enthusiasts in the government now realize that they are getting nowhere fast by continuing to depict anti-nuclear critics as a bunch of hot-heads who don't know whereof they speak. What's needed to swing public opinion behind the nuclear program, the task force suggests, is an "aggressive effort" based on "candor and objectivity on the part of the government and industry in dealing with the public."

For a start, the task force acknowledges that "the fears of the lay public and its decision-makers are supported by a fair segment of the scientific community - many of whom otherwise support the use of nuclear reactors for generation of electric power." And it adds that "lack of public acceptance of methods for managing radioactive waste has been a stumbling block on moving ahead with a program in this field, and administrative reaction to public fear has delayed the necessary decisions in this field."

But a botched public relations effort is not the only factor likely to stunt the growth of nuclear power. The task force also cites a sheaf of technical and economic problems that have been dogging the nuclear industry, and which are likely to continue to do so.

To begin with, the task force notes that vast capital expenditures will be required to build uranium enrichment plants to fuel growing numbers of light water reactors. "In order for there to be a national nuclear light water reactor electric power program, there must be expanded separative work capacity and construction of that capacity must be initiated soon," the task force states. The nation's uranium enrichment capacity must be increased by a factor of four to six between now and the year 2000 in order to utilize the available high-grade uranium resources, the report suggests.

But, since the nuclear industry probably can't raise sufficient capital to build enough enrichment plants, "the problems in this segment of the fuel cycle revolve almost entirely around the questions of government versus private responsibility for construction and operation of facilities," the task force states. In other words, continued massive infusion of federal funds is likely to

be required to expand the nuclear power program along the lines that ERDA intends.

Nevertheless, the task force states that the "back end" of the fuel cycle - reprocessing of spent fuel rods and radioactive waste disposal - is in even worse shape. Technical, political and safety problems are the most important restrictions here, but again, shortage of capital is also likely to stunt the growth of the nuclear program.

The most pressing problem is that spent fuel rods are piling up at reactor sites to such an extent that some reactors may soon have to be shut down. The nub of the matter is that there's not a single fuel reprocessing plant in operation in the United States and until there is, spent fuel rods will have to be stored at reactor sites. But ten reactors do not have sufficient storage capacity for a full core discharge, and in order to avoid shutdowns, "additional storage capacity will have to be in-being in 1977," the task force states.

Central to the concern over lack of reprocessing facilities is the question of whether or not plutonium

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ERDA Revamps R&D Office

Following a spate of criticism last year from Congress and the National Academy of Sciences about the management of its R&D program, the Environmental Protection Agency has announced a "major reorganization" of its Office of Research and Development.

Designed to streamline the decision-making process and to delegate more responsibility to the laboratory managers, the reorganization implements many of the recommendations put forward by the Academy (SGR Vol. IV., No. 17).

It sets up separate divisions — concerned with Monitoring and Technical Support; Energy; Minerals and Industry; Air Land and Water Use; and Health and Ecological Effects - each headed by an Assistant Administrator. The agency's field laboratories are also being reorganized to conform more precisely to the new program areas.

According to EPA's R&D chief, Wilson K. Talley, the Washington headquarters will manage longrange planning and broad program review, while project review will be left more to the laboratory managers. The Academy report had criticized the headquarters staff for taking too active a role in project review.

NSF Peer-Review System Assailed in Congress

Although the National Science Foundation may be spared the prospect of Congress constantly looking over its activities and vetoing grants it doesn't like, another threat to NSF's operations is building up on Capitol Hill. This one goes to the heart of NSF's granting process - the peer-review system - and bears close watching.

Rep. John B. Conlan, a conservative Republican from Arizona who spearheaded Congressional opposition to NSF's curriculum development program known as MACOS (SGR Vol. V, No. 9), charged last month that NSF officials have "deliberately edited and misrepresented grant proposal evaluations from outside academic reviewers" in order "to push through funding" of another curriculum development program.

Needless to say, Conlan dislikes the program, which is called Individualized Science Instructional System (ISIS). He claims that it contains "shocking and objectional sex and behavior modification content that invades the personal privacy and sensitivities of young students." But the charge has broader implications, for regardless of its validity, it calls into question the integrity of NSF's peer-review system and provides more ammunition for NSF's critics in Congress.

The nub of the matter is that Conlan claims that when NSF staff members submitted the ISIS grant to the National Science Board for approval, they misrepresented the comments of outside reviewers of the proposal. In particular, Conlan believes that the comments of Philip Morrison, an MIT physics professor, were presented to the NSB in such a way that his unfavorable comments were edited out, leaving only the favorable remarks he made on the proposal.

When asked about the alleged editing of his remarks, Morrison told SGR that he wasn't prepared to discuss the matter in detail without seeing exactly what the NSB had been told, but he said that he believes that NSF's Course Content Improvement Section has done a fine job. He said that Conlan's office had read to him a section of the submission to the NSB, which "sounded like something I might have said."

To back up his assertions, Conlan has demanded to see Morrison's comments in full, but NSF Director H. Guyford Stever has turned down the demand on the basis that NSF promises its reviewers confidentiality. Conlan has labeled that action as "stonewalling" and

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should be used as a fuel for light water reactors. The Nuclear Regulatory Commission (NRC), which now carries out the regulatory functions of the defunct AEC, last month stunned the nuclear power industry by announcing that it will put off making a decision on that question for several years while the matter is explored in public hearings. Until that decision is made, NRC said, it will not license any reprocessing facilities.

NRC decided to open the matter up to public hearings because of uncertainties about the safe handling of plutonium and the adequacy of safeguards against the theft of bomb-quality material. And the ERDA task force acknowledges that such uncertainties exist. The lack of technical manpower to support commercial-scale reprocessing and shortage of facilities to handle highly radioactive material "raises questions on the industry's ability to cope with such day-to-day operating problems as: the safe control of aqueous and gaseous effluents; safe handling of large pieces of contaminated equipment; safe handling of a wide variety of radioactive wastes; and the accountability and guarding problems of safeguards," the task force notes.

There is also the urgent problem of finding a suitable

method for getting rid of reactor wastes. ERDA recently announced that it will seek a permanent disposal site rather than opting for a temporary storage facility. But no such site has been tested, and the task force suggests that potential delays caused by environmental review of waste storage proposals "together with the lack of decision on the part of the government, has in fact come very close to making waste management the pacing item of the nuclear fuel cycle."

The task force report accepts that the nuclear power program is "approaching a point of crisis," and suggests that ERDA "should take the lead role in demonstrating acceptable technology and in encouraging other responsible parties, within and outside the government, to recognize and support the development of nuclear energy as a high-priority national goal."

If the task force's recommendations are taken up, however, they would result in increased participation by the federal government in the nuclear industry, and that is not likely to be politically very appealing. If they are not taken up, though, the nuclear industry faces a stunted future.

The report, *Nuclear Fuel Cycle*, No. ERDA-33, is available from National Technical Information Service, 5285 Port Royal Road, Springfield, Va. 22161, for \$5.45.

"Financial Irregularities" Probed in NSF MACOS Project

For the besieged National Science Foundation, there's a new and danger-filled twist in the controversy over the NSF-supported curriculum-development project known as Man: A Course of Study (MACOS).

It was MACOS' depiction of the rough realities of Eskimo life that sparked a right-wing assault on NSF, and eventually led to passage of the Bauman amendment, which would directly plug Congress into the grant application review process (SGR Vol. V, Nos. 7 and 9).

Now it has been announced by Rep. Olin E. Teague (D-Texas), chairman of the Science and Technology Committee, that "financial irregularities may have occurred in connection with the

implementation of Project MACOS . . ."

Teague, who has been trying to extricate NSF from its Congressional troubles, stated in a Committee press release, "I am distressed to learn that the investigation which was begun at the urging of the Committee on Science and Technology has led to the uncovering of possible tax and financial irregularities. These irregularities do not involve the personnel of the National Science Foundation itself, but may involve others through whom grant and royalty funds were passed. I am confident that the Director of NSF, who advised me of this development, and the Department of Justice will continue to vigorously pursue these possible irregularities."

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called for Stever's resignation.

Rep. Olin Teague (D-Texas), the chairman of the House Science and Technology Committee, of which Conlan is a member, is said to be concerned about Conlan's allegations and has asked Stever to meet with him and Conlan to discuss the matter.

For its part, the National Science Foundation has refused to turn over the comments because it maintains that the peer-review system should operate in secrecy to ensure that reviewers are candid in their assessment. That policy was upheld by the NSB at a meeting of last month, when the NSB passed the following resolution: "The National Science Board considered the policy extending over the National Science Foundation's history of preserving the confidentiality of comments on grant proposals and the identity of the reviewers making such comments. . . . The Board unanimously reaffirmed that policy."

NSF's view also seems to be supported by a ruling of the US Court of Appeals last year, which decided that NIH peer-review reports should remain secret (see box, page 2). But Conlan claims that such confidentiality should not extend to members of Congress, and that NSF should hand over whatever information Congress demands.

Conlan's attack on the integrity of NSF's peer-review system is the latest in a long line of complaints about the agency's activities, and it is likely to form the basis of a public inquiry into NSF's granting mechanism by the subcommittee on science, research and development of the House Committee on Science and Technology next month. Oversight hearings have been scheduled by the subcommittee on July 22-24 and July 29-31.

An aide to Conlan told SGR that Conlan is seeking the peer-review reports in preparation for the hearings

and that if Stever doesn't hand them over, Conlan may go to court to get access to them.

NSF is also preparing its case for the hearings by initiating a review of its peer-review system. The first phase of the study, which should be ready for an NSB meeting on June 18, is "designed to provide basic statistical information such as the number of reviewers used by the agency, the number of reviews which are performed by panelists, the geographical location of reviewers, and similar data," according to an NSF announcement. The idea is to try to head off charges such as one made recently by Senator William Proxmire (D-Wisc.) that NSF's peer review panels are "packed with representatives from those universities that get the grants."

On the Senate side, the NSF subcommittee chaired by Senator Kennedy is not preparing to hold any hearings on the agency's granting mechanisms at this stage. But Kennedy wrote a letter to Stever following Conlan's charges, expressing support for Stever and requesting documentation concerning Conlan's allegations. Stever's reply arrived last week while Kennedy was on travels in the Middle East, but staff aides there expressed some misgivings about the "looseness" of administrative procedures for bringing peer review comments to the attention of the NSB.

Meanwhile, the NSF authorization bill was passed by the Senate last month devoid of a House-passed amendment to give Congress veto power over NSF's grants (SGR Vol., V No. 9), and it now seems likely that the measure will be deleted when the bill goes to conference with the House.

Rep. Robert Bauman (R-Md.), who sponsored the amendment, is threatening to propose a resolution instructing the House conferees to stand by the amendment in conference, but such a move is unlikely to succeed.

Biomedical Panel Spawns Unusual Candor . . .

The President's Biomedical Research Panel is still a year away from its scheduled production of an analysis and recommendations concerning assorted ailments of the federal health sciences enterprise (SGR Vol. V, No. 4). But even if that final report follows the tradition of disappearing without a ripple, the deliberations of the Panel are likely to endure for the uncommon candor they have evoked from some of the usually circumspect statesmen of science.

SGR has obtained a transcript of the meeting that the Panel held April 28-29 in Key Biscayne, Florida, and it does indeed contain provocative matter that is rarely, if ever, offered for public consumption.

Appearing as an invited witness before the Panel, Philip Handler, President of the National Academy of Sciences, commenced his presentation with snippets of various public addresses he has frequently given on problems of federal support of biomedical research. But then warming up, and apparently unmindful of the presence of a shorthand reporter making a verbatim transcript, Handler went off on a new tact concerning the much-lamented decline in NIH support for graduate training.

"I guess I can add one more thing," he said, "... and that is there is a certain amount of hypocrisy built into all these discussions. Having been among the hypocrites, let me explain what I mean.

"The argument with respect to the alarm about cessation of federal funding of training grants and of fellowships when voiced by my colleagues, and sometimes in the past by myself, has always been placed in the perspective of the need of the country for these new young people who must emerge from the system to be the scientists and the investigators of tomorrow.

"That statement is indeed true," Handler continued, "but it is not the reason my colleagues and I wanted that money. The real reason we wanted that money... is that the manpower, the labor force, for the scientific enterprise as it is done in the universities and medical schools—that labor force consists of that collective body of individuals who call themselves graduate students and postdoctoral fellows.

"And the real argument... in the heads of those who can make those arguments is concern lest there be a labor force for the conduct of the very research for which they have accepted grants from one or another Institute of NIH.

"Please understand what I have just said is not said in sharp criticism at all," Handler added. "I called it hypocrisy because I think it is that if one doesn't make the whole picture. The reality is that the system works

Handler Says NSF Board Has Never "Shown Any Backbone"

During a rare digression from the prescribed business of their April 28-29 meeting, members of the President's Biomedical Research Panel engaged in some unusually straightforward talk concerning the Bauman Amendment, which would give Congress veto power over proposed grants of the National Science Foundation (SGR Vol. V, No. 10).

Of interest to the Panel members was the response of various organizations, including the National Science Board, which is the policymaking body of the Foundation. Addressing Philip Handler, President of the National Academy of Science who was a member of the Board from 1962 to 1974 and chairman from 1966 to 1970, Panel Member Benno Schmidt asked, "What has the National Science Board done" in response to Bauman's attack on the Foundation?

Handler replied, "I haven't heard," the reason being that it wasn't until May 16—two months after the Bauman amendment passed the House—that the Board finally got around to issuing a statement of mild disapproval.

Said Schmidt, "They ought to really get on their horse."

Panel Chairman Franklin D. Murphy joined in with, "It just seems to me when something like this comes up there ought to be such an inundation of criticism that people will worry about being naive again... I just wonder sometimes if the vast amount of federal funds that flow by way of Congress make some people a little timid about this kind of thing. If so, that is a bad status there."

Replied Handler, "That (National Science) Board has not shown any backbone at any time known to me since they defended Linus Pauling in 1953 and made sure he retained his research support when he lost it at NIH through Joe McCarthy."

marvelously when it is allowed to work because we get both new young scientists and new information. But it is not a burning desire to reproduce yourself intellectually and produce your intellectual offspring that is the real reason you demand young people in training. It is so that they will do that very work which is part and parcel

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..... NIH Political Independence is a "Myth"

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of the process by which research is done."

Though he acknowledged that he himself has defended direct graduate assistance as indispensable to the functioning of research, Handler virtually dismissed the problem with the observation that "Where there is sufficient money in the research grant pocket where it is considered entirely appropriate and fitting to pay all the stipends of those young people out of those funds, my own feeling is that concern for the loss of training funds essentially evaporates."

Apparently referring to his former chairmanship of the Duke University biochemistry department, Handler said, "I am being cynical but having operated one of those systems for some while, I think I know what I am saying."

Later in the proceedings, the discussion turned to the subject of political influence over NIH, matters on which expert testimony was offered by two casualties of biomedical-political strife, ex-NIH Directors Robert Q. Marston and Robert S. Stone.

Said Marston: "We lived with a myth for a while that the Director of NIH was the senior sort of career servant in this area. And it was a myth. And we could live with it as long as it wasn't tested. I guess to me it is now inconceivable that anybody in charge of how to spend \$2 billion a year is going to be totally free of the political process. It just can't be true. And that is admitted by making the Director of NIH a Presidential appointee. I don't think it can be debated any longer. It was a myth in part because of the personality of Jim Shannon (NIH Director from 1955-68, a period of rapid financial growth in federal support of biomedical research) and the manner in which he got along with certain Congressional sponsors. And without rehashing all of that, it would have been tested long before otherwise."

Stone, who lasted 18 months in the NIH directorship before his ouster last December, said, "The reality is that the political decisions are made down to the level of, let's say, \$2 million. When the Congress puts into the Appropriations Act the direction that NIH is to undertake a study of chiropractic medicine, or chiropractics, I should say—excuse me for dignifying it . . . that is a political decision, not a science-based decision. And that is the fine-structure level at which reality says politics are determining our goals and objectives in biomedical science."

Turning to another issue, Handler charged "that the overall research program (of NIH) has been distorted by the emphasis given to the targeted research, Cancer and the Heart and Lung Institute, at the expense of funds

which formerly were available for the support of what I can only call free research for lack of some other words. Because, while the total program has been growing—and it is foolish for people to say that NIH has been held down, because the total program is growing annually and has consistently—but the amount of money available for free research is now below what it was in 1969. And I don't consider that trivial. I think it is very serious. . ."

Marston, who held the NIH directorship when the Cancer and Heart programs were established by Congress, said, "I agree." His successor, Stone, said, "I don't want to comment."

On the issue of the distribution of research funds, and the suggested designation of some institutions as "research universities," the panelists opted for political discretion. Panel Member Paul Marks, of Columbia University's College of Physicians and Surgeons, brought up the matter when he observed that "There are medical schools, as you know, which receive essentially no federal support for biomedical research and behavioral research. Is this in the national interest?"

Benno Schmidt, the politically savvy Nixon crony who sits *ex-officio* on the panel because of his chairmanship of the President's Cancer Panel, replied, "Paul, just putting that question down . . . Well, it's going to create too much excitement. When people see that, they will say, 'Oh-oh, what are you fellows up to?'"

And so it went. The Panel meets monthly, and we will have further reports on its deliberations.—DSG

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Supreme Court Ruling Hits Public Interest Firms

A ruling handed down last month by the Supreme Court is causing considerable dismay among public interest law groups, because it sweeps away a potentially important source of funds.

The court, in a 5 to 2 decision, ruled that public interest groups cannot recoup their legal costs from the losers of suits that they bring against the government or industry, unless Congress has specifically authorized such a procedure.

The ruling involved a mammoth case brought by a coalition of environmental organizations in an attempt to block construction of the Alaska pipeline. The groups won their case in the Court of Appeals - though Congress later overrode the decision - and they were awarded legal fees from the government.

But the government appealed the matter to the Supreme Court, which last month rejected the basis on which the award rested. The groups had claimed that when they sue the government in the public interest, they are acting as "private attorneys general," but the court rejected that notion.

In a few specific instances - such as suits brought under the Civil Rights Act and the Federal Water Pollution Control Act - Congress has specifically provided for the award of legal fees to public interest groups which sue successfully. But William Butler, an attorney with the Environmental Defense Fund, pointed out to SGR that such provisions are open to varying interpretations and provide considerable discretion to individual judges in deciding whether or not awards should be made.

Butler said that although EDF has not recovered legal

Science Faculties Getting Older

Age and tenure are increasing on science and engineering faculties throughout the nation, according to a National Science Foundation survey covering departments that account for about 91 per cent of fulltime graduate enrollments.

The survey found that faculty members who have held the PhD for less than seven years declined from 39 per cent in 1968 to 28 per cent in 1974. In the same period, tenured full-time faculty rose from 49.6 per cent to 70 per cent.

Another finding was that only about half the faculty members were conducting federally sponsored research in 1974, compared with about two-thirds in 1968.

The report, *Young and Senior Science and Engineering Faculty, 1974* (NSF 75-302) is available from the US Government Printing Office, Washington, DC 20402 for \$1.70; specify stock number 238-000-00216.

fees in the past, like many other groups it had been hoping that such funds would be available in future. With foundations support for public interest law fast declining, several groups had been looking to the award of legal fees as a means of staying afloat.

Since many public interest cases last for years, and involve thousands of man-hours of work, even if the groups were awarded costs at the \$30 minimum hourly rate recognized by the American Bar Association, the sums involved would be substantial.

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